

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BROADCAST MUSIC, INC., et al., )  
 )  
Plaintiffs, )  
 )  
v. ) Civil Action No. 11-1300  
 )  
HMR COMMUNICATIONS, INC., )  
d/b/a BOOT SCOOT'N SALOON )  
and HENRY M. ROBBINS, )  
 )  
Defendants. )

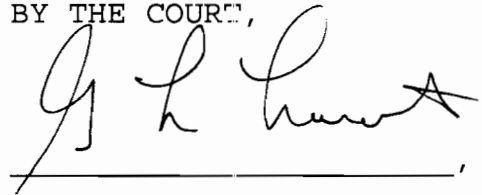
ORDER

AND NOW, this 19<sup>th</sup> day of September 2012 it is HEREBY  
ORDERED that defendants' motion in limine [doc. no. 31] is MOOT,  
due to an agreement of the parties as to the CallerLab License  
evidence and the attorneys' fees evidence.

Said motion is DENIED as to the evidence obtained by  
Susan Hamburger. Ms. Hamburger's activities are exempted from  
application of the Private Detective Act, 22 P.S. § 25.  
Moreover, even if the Act applied, the Court would not exclude  
such evidence at trial because: (1) Ms. Hamburger, as a private  
citizen, could not violate defendants' Fourth Amendment rights;  
(2) Ms. Hamburger used no deceitful means to gather the evidence  
being objected to, but rather did no more than observe, and  
record her observations of information available to any member  
of the public who was at the Boot Scoot'n Saloon on the night of  
June 5, 2011 between the hours of 4:40 p.m. and 11:25 p.m.

regarding the appearance of the establishment, the individuals present, and the music played; and (3) defendants have identified no federal case law, statute, or rule of evidence that compels the exclusion of the information obtained by Ms. Hamburger under these circumstances.

BY THE COURT,

  
\_\_\_\_\_, C.J.